

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

RONALD SEAWOOD,

Petitioner,

Case Number: 2:14-cv-11430  
HON. LAWRENCE P. ZATKOFF

v.

J.A. TERRIS,

Respondent.

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**OPINION AND ORDER  
DENYING CERTIFICATE OF APPEALABILITY**

On May 13, 2014, the Court entered an Opinion and Order in this matter, wherein the Court:

conclude[d] that it plainly appears from the face of the petition that Petitioner is not entitled to habeas corpus relief pursuant to 28 U.S.C. § 2241, because the petition is not properly filed under § 2241. Accordingly, the Court **DISMISSE[D] WITH PREJUDICE** the petition for a writ of habeas corpus.

At that time, however, the Court failed to rule on the issue of whether a Certificate of Appealability should issue, in accordance with the Rules Governing § 2254 Cases, Rule 11(a), 28 U.S.C. foll. § 2254 (“The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant.”). The Court does so now.

In order to obtain a certificate of appealability, a prisoner must make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). To make that showing, the applicant is required to demonstrate that reasonable jurists could debate whether, or agree that, the petition should have been resolved in a different manner, or that the issues presented were adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). When a district court rejects a habeas petitioner's constitutional claims on the merits, the petitioner must

demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims to be debatable or wrong. *Id.* at 484. Likewise, when a district court denies a habeas petition on procedural grounds without reaching the prisoner's underlying constitutional claims, a certificate of appealability should issue, and an appeal of the district court's order may be taken, only if the petitioner shows that jurists of reason would find it debatable whether the petitioner states a valid claim of the denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. *Id.* at 484.

For the reasons stated in the Court's May 13, 2014, Opinion and Order, the Court will deny Petitioner a certificate of appealability because jurists of reason would not find this Court's resolution of his claims to be debatable. *See Strayhorn v. Booker*, 718 F. Supp. 2d 846, 854 (E.D. Mich. 2010). As previously held (*see* Docket #10), the Court also denies petitioner leave to appeal *in forma pauperis* because the appeal would be frivolous. *Myers v. Straub*, 159 F. Supp. 2d 621, 629 (E.D. Mich. 2001).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff  
HON. LAWRENCE P. ZATKOFF  
United States District Judge

DATED: October 10, 2014